

Chapter 5

Consultation and Coordination

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CONSULTATION AND COORDINATION

The Bureau of Land Management (BLM) coordinates with federal, state, and local agencies and Native American tribes, and engages the general public during the National Environmental Policy Act (NEPA) process to ensure informed decision making. Consultation and coordination help determine if the BLM actions are consistent with other agencies' land use and development plans. The efforts to involve agencies, tribal governments, organizations, special interest groups, and members of the general public during the preparation of this Environmental Impact Statement (EIS) are described below.

5.1 PUBLIC PARTICIPATION PROCESS

The public participation process begins with scoping and continues through the record of decision. This section describes the specific timeframes the public was involved during the NEPA process. A Public Involvement Plan was developed to guide the communication process to be used throughout the development and finalization of the EIS. A copy may be obtained from the Las Vegas Field Office.

5.1.1 Scoping

Scoping is the term used in the Council on Environmental Quality (CEQ) regulations implementing NEPA to define the early and open process for determining the scope of issues to be addressed in the EIS. The Notice of Intent (NOI) is the legal forum notifying the public of the BLM's intent to prepare an EIS and invites the public's participation in determining the scope and significant issues to be addressed and analyzed in the EIS. The NOI for the Las Vegas Valley Disposal Boundary EIS was published in the Federal Register (Vol. 68, No. 188) on September 29, 2003.

A public scoping notice was prepared and mailed on September 23, 2003 to 123 entities that included federal, state, and local agencies; elected officials; Native American tribal members; BLM

Resource Advisory Council members; special interest groups and organizations; and the general public. The notice was provided to print, radio, and television media throughout the Valley and was also posted on the BLM Las Vegas Field Office web site at <http://www.nv.blm.gov/vegas/>.

The BLM Las Vegas Field Office hosted three scoping meetings throughout the Las Vegas Valley on September 30 and October 1 and 2, 2003 to provide the public an opportunity to learn about the project and to provide comments. Attendance at the meetings ranged from 20 to 42 participants. The meeting format included an open house and presentation that explained the purpose of public scoping, NEPA process, purpose and need for the disposal action, and potential alternatives to implementing the disposal action.

The official close of the scoping period was October 29, 2003, but input from the public was accepted through the month of December 2003. The scoping process and the public comment summary and analysis are documented in the Las Vegas Valley Disposal Boundary Scoping Report dated December 2003. The Scoping Report may be viewed at <http://www.nv.blm.gov/lvdiseis/>.

5.1.2 Draft EIS Public Comment Period

The CEQ regulations (40 CFR 1503.1) invite the public to review and comment on the Draft EIS. The BLM NEPA Handbook specifies that at least 60 days be allowed for this comment period. A Notice of Availability (NOA) was published in the Federal Register (Vol. 69, No. 146) by the BLM on July 30, 2004, and by the EPA on September 10, 2004 (Vol. 69, No. 175) announcing the availability of the Draft EIS for public review and comment.

A notice was published in the legal section of the Las Vegas Review Journal/Sun on October 3, 2004 and a box advertisement was published on October 17, 2004 announcing the schedules of the

public hearings. The notice was also posted to the project web site at <http://www.nv.blm.gov/lvdiseis/>.

The BLM Las Vegas Field Office hosted three public hearings throughout the Las Vegas Valley on October 18, 19, and 20, 2004 to provide the public an opportunity comment on the potential environmental impacts as described in the Draft EIS. The meeting format included a presentation that explained the purpose and need for the disposal action, described the alternatives to implementing land disposal actions, and the potential impacts associated with each alternative. A court recorder was in attendance to record comments received from members of the public.

Written comments were accepted at the public hearings, via email, mail, and the EIS project web site at <http://www.nv.blm.gov/lvdiseis/>. The official close of the comment period was November 9, 2004, but input from the public was accepted through November 16, 2004. All comments received and the associated responses are provided in Appendix H of this Final EIS.

5.2 AGENCY CONSULTATION AND COORDINATION

Early and frequent coordination with affected agencies is emphasized in the CEQ regulations and is directed by BLM guidance. The BLM is also required by law and regulation to consult with specific agencies and entities because of jurisdictional responsibilities.

5.2.1 Cooperating Agencies

As defined by the CEQ regulations, a cooperating agency is one that has special expertise with respect to an environmental issue and/or has jurisdiction by law. The BLM invited 10 federal, county, and city agencies to participate in the NEPA process as cooperating agencies. The following agencies accepted the invitation:

- U.S. Air Force – Nellis Air Force Base
- U.S. Fish and Wildlife Service – Desert National Wildlife Refuge Complex

- Clark County Department of Comprehensive Planning
- Clark County Regional Flood Control District
- City of Las Vegas
- City of North Las Vegas
- City of Henderson

The BLM hosted a meeting and field tour for the cooperating agencies and the Southern Nevada Congressional representatives and their staff on December 11, 2003. The BLM presented a summary of the field surveys and described examples of the resources located during the surveys. The purpose of the meeting was to receive the cooperating agencies' comments on specific resource issues and potential alternatives to be addressed in the EIS.

The BLM met with the cooperating agencies again on May 20, 2004 to present the final results of the field surveys, discuss the alternatives, and describe the approach to the environmental impact analysis. The discussion focused on options to implementing the transfer of lands with sensitive resource values from BLM ownership to entities that would protect or mitigate any resource damage or disturbance. On July 12, 2004 the BLM invited the cooperating agencies to a meeting to present a summary of the potential environmental impacts of implementing the land sale action and alternatives.

5.2.2 State Historic Preservation Office

The BLM consults with the State Historic Preservation Officer (SHPO) in accordance with Section 106 of the National Historic Preservation Act (NHPA) when the BLM action may affect cultural properties. Certain sites within the disposal boundary area were determined by the BLM to be listed or eligible for listing on the National Register of Historic Places (NRHP). The BLM initiated consultation in June 2004 with the SHPO on the assessment of potential adverse effect to these sites. By letter dated August 6, 2004, the SHPO concurred with the BLM's determination of eligibility.

5.2.3 Native American Tribes

The BLM consults with Native American tribes to identify their cultural values, religious beliefs, and traditional practices that may be affected by a BLM action. The NHPA is the basis for tribal consultation provisions. A consultation letter was mailed in mid-November 2003 to 33 chairpersons and representatives of 11 Native American tribes and four bands of the Paiute Indian Tribe of Utah. The letter informed them of the land disposal project and requested their input on potential impacts on culturally significant areas. The tribes were also invited to participate in a meeting held in Parker, Arizona on December 11, 2003 to discuss the project with BLM representatives and were offered the opportunity to visit the disposal boundary area.

5.2.4 U.S. Fish and Wildlife Service

The Endangered Species Act (ESA) directs the BLM to ensure that their action would not likely jeopardize the continued existence of any species listed as threatened or endangered. In accordance with Section 7(a)(2) of the ESA, consultation with the U.S. Fish and Wildlife Service (USFWS) was initiated in October 2003 with a request for a list of threatened, endangered, and species proposed for listing, and designated critical habitat in the disposal boundary area. The USFWS responded in November 2003 identifying the bald eagle (*Haliaeetus leucocephalus*) and the desert tortoise (*Gopherus agassizii*) (Mojave population) as known to occur in the project vicinity.

The BLM met with the USFWS in June 2004 to discuss the results of the field surveys for the desert tortoise and begin preparation of the Biological Assessment (BA). The BLM's request to reinstate consultation for the Las Vegas Valley biological opinion and the BA was delivered to the USFWS on September 10, 2004. In November 2004 the USFWS responded with a request to initiate a conference consultation for the Las Vegas buckwheat which the BLM accepted. Consultation will continue until the USFWS issues their Biological Opinion in response to the determination of adverse affect of the disposal action documented in the BA.

5.2.5 Nevada State Clearinghouse

Per agreement between the BLM and Nevada State Clearinghouse, 15 copies of the Draft EIS were mailed to the Clearinghouse. The Clearinghouse distributes the documents to various State Offices for comment. Comments were consolidated by the Clearinghouse and returned to the BLM under one cover letter. Comments were received via the Clearinghouse from the Nevada Division of State Lands; Nevada Department of Wildlife, Southern Region; Nevada Department of Transportation; Nevada Natural Heritage Program; Department of Water Resources; and Bureau of Health Protection Services. These comment letters and responses are provided in Appendix H.

5.2.6 Conservation Transfer Area Mitigation Strategy Committee

As part of the Conservation Transfer Alternative, the BLM established a mitigation strategy committee to address options on how best to conserve the sensitive resource values within the Conservation Transfer Area (CTA) yet fulfill the intent of SNPLMA and meet the land development expectations of local governments. The following entities were invited by the BLM to be participants:

**TABLE 5.2-1
MITIGATION STRATEGY COMMITTEE**

Local Agencies
• City of Henderson
• City of Las Vegas
• City of North Las Vegas
Regional Agencies
• Clark County Department of Air Quality & Environmental Management
• Clark County Comprehensive Planning
• Clark County Parks and Recreation
• Clark County Public Works
• Clark County Regional Flood Control District
• Southern Nevada Regional Planning Coalition
• Southern Nevada Water Authority
State Agencies
• Division of State Lands
• Division of State Parks
• Environmental Planning Division
• Department of Transportation
• Department of Wildlife

• Division of Forestry
• Natural Heritage Program
• State Historic Preservation Office
• University of Nevada Las Vegas
Federal Agencies
• Nellis Air Force Base
• U.S. Fish and Wildlife Service
Elected Officials
• Senator Harry Reid
• Representative Jim Gibbons
• Senator John Ensign
• Representative Jon Porter
• Representative Shelley Berkley
Native American Tribes
• Las Vegas Paiute Tribe
Special Interest Groups and Associations
• Audubon Society
• Citizen Alert
• The Conservation Fund
• The Nature Conservancy
• North Las Vegas Chamber of Commerce
• National Association of Industrial and Office Properties
• Outside Las Vegas Foundation
• Sierra Club
• Southern Nevada Homebuilders Association
• Trust for Public Land
• Tule Springs Preservation Committee
Businesses
• American Nevada Corporation
• Bank of America, N.A.
• Cox Communications Las Vegas, Inc.
• Greenways, Inc.
• Lied Institute for Real Estate Studies
• Nevada Power Company
• Southern Highlands Development
• Southwest Gas Company
• Sprint

The BLM invited the committee to participate in a series of meetings. The purpose of the first meeting held on November 1, 2004 was to identify concerns regarding the management and long-term protection of sensitive resources within the CTA. A site visit was conducted on December 7, 2004 to the CTA to view the resources of concern. Follow on meetings will be for developing ideas and solutions to address resource concerns and to draft a conservation agreement addressing options for preservation and mitigation.